

BEFORE THE ARIZONA MEDICAL BOARD

COPY

In the Matter of

Case No. MD-04-S007

**WALTER JACOBS, M.D.**

Holder of License No. 3829  
For the Practice of Allopathic Medicine  
In the State of Arizona.

**INTERIM CONSENT AGREEMENT  
FOR PRACTICE RESTRICTION AND  
INPATIENT OR RESIDENTIAL  
TREATMENT**

**INTERIM CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Walter Jacobs, M.D. ("Respondent") the parties agree to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Interim Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement"). Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Interim Consent Agreement, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Consent Agreement its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Interim Consent Agreement.

3. Respondent acknowledges and understands that this Interim Consent Agreement will not become effective until signed by the Executive Director.

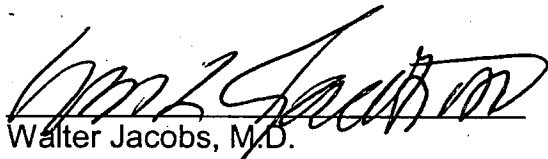
4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government  
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
3 any other state or federal court.

4 5. Respondent acknowledges and agrees that, although the Executive Director  
5 has not yet been issued said Interim Consent Agreement, Respondent may not make any  
6 modifications to the document. Upon signing this agreement, and returning this document  
7 (or a copy thereof) to the Board's Executive Director, Respondent may not revoke  
8 acceptance of the Interim Consent Agreement. Any modifications to this Interim Consent  
9 Agreement are ineffective and void unless mutually approved by the parties.

10 6. Respondent further understands that this Interim Consent Agreement, once  
11 approved and signed, is a public record that will be publicly disseminated as a formal  
12 action of the Board.

13 7. If any part of the Interim Consent Agreement is later declared void or  
14 otherwise unenforceable, the remainder of the Consent Agreement in its entirety shall  
15 remain in force and effect.

16  
17   
18 Walter Jacobs, M.D.

Dated: 9.28.04

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of  
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of License No. 3829 for the practice of allopathic  
5 medicine in the State of Arizona.

6 3. On September 21, 2004, Respondent entered into a Stipulated Rehabilitation  
7 Agreement ("SRA") with the Board and began participating, on a confidential basis, in the  
8 Board's Monitored Aftercare Program ("MAP").

9 4. The "Relapse, Violation" term of the SRA provides that "[i]n the event of a  
10 chemical dependency relapse by Physician or use of drugs or alcohol by Physician in  
11 violation of this Agreement, Physician shall promptly enter into an Interim Stipulated  
12 Agreement which requires, among other things that the Physician not practice medicine  
13 until such time as the Physician successfully completes an inpatient or residential  
14 treatment program for chemical dependency designated by the Board or staff and obtains  
15 the affirmative approval of the Board to return to the practice of medicine." The SRA went  
16 on to outline how the Board would determine if Respondent were fit to return to practice.

17 5. On September 27, 2004 Respondent met with David Greenberg, M.D., the  
18 Board's contracted addiction medicine specialist and Board Staff for a post-treatment  
19 interview to review the terms of the SRA and MAP. During this interview Respondent  
20 admitted to having ingested controlled substances that he self-prescribed on Saturday,  
21 September 25, 2004.

22 6. Respondent's self-prescribing and ingesting of controlled substances is a  
23 violation of the SRA and presents evidence of a danger to the public health and safety.

24 7. Respondent has agreed to remove himself from practice and will make  
25 arrangements to undergo further treatment.

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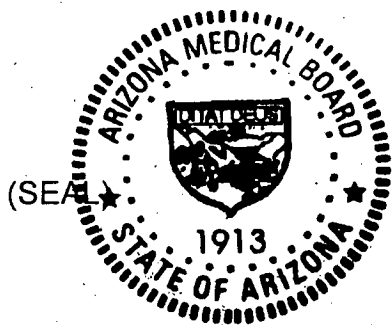
2. The Executive Director may enter into a consent agreement with a physician if there is evidence of danger to the public health and safety. A.R.S. § 32-1405(C)(25); A.A.C. R4-16-404.

IT IS HEREBY ORDERED THAT:

2. Within 10 days of the date of this Interim Consent Agreement, Respondent shall undergo an inpatient evaluation at either Rush Presbyterian in Chicago, Illinois, Hazeldon Springbrook in Newburgh, Oregon, Sierra Tucson, in Tucson, Arizona, or the Betty Ford Center, in Palm Springs, California. Respondent is responsible for all expenses relating to the evaluation and/or treatment. Respondent shall sign a consent form to release all confidential evaluation and/or treatment records to the Board. Respondent shall comply with any recommendations made by the evaluation/treatment program, including any recommendation that he undergo further treatment.

4. This is an interim order and not a final decision by the Board regarding the ongoing investigative file and as such is subject to further consideration by the Board.

1 DATED AND EFFECTIVE this 28<sup>th</sup> day of September, 2004.



ARIZONA MEDICAL BOARD

By Barry A. Cassidy  
BARRY A. CASSIDY, Ph.D., PA-C  
Executive Director

7  
8 ORIGINAL of the foregoing filed this  
28<sup>th</sup> day of September, 2004 with:

9 The Arizona Medical Board  
10 9545 East Doubletree Ranch Road  
11 Scottsdale, AZ 85258

12 EXECUTED COPY of the foregoing mailed by  
13 **US CERTIFIED MAIL** this 28<sup>th</sup> day  
of September, 2004 to:

14 Walter Jacobs, M.D.  
15 Address of Record

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